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DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

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In re Application of: Kuntal Chowdhury et al.

Application No. 09/989,599  
Filed: 11/20/2001  
For:

ON ACCEPTANCE OF  
DUPLICATE PAPERS

The USPTO experienced significant delays in the mail during the time period of October 13, 2001 through January 2, 2002, wherein the delays may have resulted in some applications appearing to be abandoned when they are actually pending and should be treated as pending because a timely reply (or communication) has been delayed in the mail.

Therefore, this is a decision on a request filed **May 16, 2002** to accept papers, which is being treated as a petition to show timely filing of a Request to Rescind a Previous Non-Publication Request and for withdrawal of abandonment.

The petition is **GRANTED**.

This application appeared to become abandoned for failure to file a timely Request to Rescind a Previous Non-Publication Request within the requisite 45 days of a foreign filing. That period lapsed without receipt of the original request to Rescind, rendering this application abandoned.

Petitioner alleges to have timely filed the Request to Rescind the Previous Non-Publication Request prior to foreign filing. To support this position, Petitioner has included with this petition (request) a copy of the originally filed Request to Rescind and the requisite statements. The correspondence included with the petition includes a certificate of mailing under 37 CFR 1.8(a).

37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition meets the requirements set forth above. Accordingly, there is no abandonment in fact.

The application has been forwarded to the Technology Center's technical support staff for generation of a corrected filing receipt to evidence the new projected publication, which is attached herewith. The file is being returned to the TC 2600 Central files to await action by the examiner in due course.



Vivian Chin, Supervisory Patent Examiner  
Technology Center 2600  
Communications